IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 5548 of 2003

Between:

1. B.S.V.P. Singh, S/o. Dharma Singh, Deputy Commissioner, Municipal Corporation, Guntur.
2. P.Viswanadham, S/o. P.C. Joseph, Deputy Municipal Commissioner, Circle No.6, Municipal Corporation of Hyderabad, Abids, Hyderabad.
3. P.Dhanunjaya, S/o. late P.Pedapandavulu, Municipal Commissioner, Machilipatnam, Krishna District.

..... PETITIONER

AND

1. S.Hari Krishna, S/o. S.Venkateswara Rao, Project Director, D.P.A.P. Khammam.
2. J.Shankaraiah, S/o. J.Rajalingam, District Project Officer, Office of the Regional Director-cum-Appellate Commissioner (RD-AC), Warangal.
3. Government of Andhra Pradesh, represented by its

Principal Secretary, Municipal Administration and Urban

Development Department, Secretariat, Hyderabad-500022.

4. The Director of Municipal Administration, B.R.K.R. Bhavan,

A.P. Hyderabad-500029.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more in the nature of Writ of Certiorari calling for the records relating to the order of the Hon'ble A.P. Administrative Tribunal dated 25.10.2002 in O.A.No.7387 of 2002 and set aside the same by holding it as illegal, bad and arbitrary and further direct the respondents 3 and 4 to consider the case of the petitioners for promotion to the post of Selection Grade Municipal Commissioner basing on the recommendations of the DPC held on 23.7.2002 with all consequential benefits.

Counsel for the Petitioners: MR.J.R.MANOHAR RAO

Counsel for the Respondent Nos.1 and 2: MR.P.V.SANJAY KUMAR.

Counsel for the Respondent Nos.3 and 4: G.P. FOR SERVICES-I.

The Court made the following:

–

–

–

–

–

–

–

–

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for brevity Tribunal) in O.A.No.7387 of 2002, dated 25.10.2004.

2. The matter relates to fixation of seniority in the cadre of Municipal Commissioner Grade-II, Grade-I and Selection Grade and for further consequential promotion to the Selection Grade in the cadre of Municipal Commissioners. The Tribunal after considering the matter, disposed of the above OA with the following directions:

> "In the result, the respondents are directed to prepare seniority lists in the categories of MC-II, MC-I and MC-SG within 4 months from the date of receipt of this order. The respondents are further directed to review the temporary/ad hoc promotions made to different categories in Municipal Administration Service within a further period of 3 months after preparing seniority lists. The respondents are also directed not to make any further promotions to the category of MC-Selection Grade till the seniority lists are prepared. The above directions will not however come in the way of promotions those who belong to 1993 direct recruit MC-II or those who stand over and above the applicants in the seniority list dated 15.7.2002. The above direction will also not apply to Assistant Secretaries who are eligible to be appointed by transfer as MC-Selection Grade as per their quota. The O.As., are accordingly disposed of. No costs".

The said order is challenged in this Writ Petition.

3. The learned counsel for the petitioners submit that the order of the Tribunal is illegal and contrary to law and the same is not sustainable and accordingly it is liable to be set aside.

4. After hearing the learned counsel for the petitioners, the learned counsel Mr.P.V.Sanjay Kumar for respondents 1 and 2 and the learned Government Pleader for Services-I, we are of the view that unless the seniority list is finalized in the cadres referred to above, promotions cannot take place. Under those circumstances, we do not find any ground to interfere with the order passed by the Tribunal.

5. Accordingly the Writ Petition is dismissed. However, the official respondents are directed to implement the order of the Tribunal without any further delay within a period of three (03) months from today. No costs.

G.BIKSHAPATHY, J.

28th January, 2005.

P.S.NARAYANA, J.

SSR

Issue order copy in three (03) days.

(BO)

.....REGISTRAR

TRUE COPY

SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration and Urban

Development Department, Government of Andhra Pradesh,

Secretariat, Hyderabad-500022.

2. The Director of Municipal Administration, B.R.K.R. Bhavan,

A.P. Hyderabad-500029.

3 The Registrar, A.P. Administrative Tribunal, Hyderabad.

4 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

5 Mr.S.Harikrishna, Project Director, DPAP., Khammam.

6 Mr.J.Shankaraiah, District Project Officer, Office of the Regional

Director-cum-Appellate Commissioner (RD-AC), Warangal.

7 2 CD copies.